

Form PTO-1390		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER P20257 <b>09/674526</b>
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 09/674,526
INTERNATIONAL APPLICATION NO. PCT/JP99/02681	INTERNATIONAL FILING DATE 21 May 1999	PRIORITY DATE CLAIMED 22 May 1998	
TITLE OF INVENTION DRUG COMPLEX			
APPLICANT(S) FOR DO/EO/US Hiroshi SUSAKI, Kazuhiro INOUE, and Hiroshi KUGA			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information.			
<p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).</p> <p>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). "Executed"</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (U.S.C. 371(c)(5)).</p>			
<b>Items 11 to 16 below concern other document(s) or information included:</b>			
11. Assignee: <u>DAIICHI PHARMACEUTICAL CO., INC.</u>			
12. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.			
13. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.			
14. <input type="checkbox"/> A FIRST preliminary amendment.			
<input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.			
15. <input type="checkbox"/> A substitute specification.			
16. <input type="checkbox"/> A change of power of attorney and/or address letter.			
17. <input checked="" type="checkbox"/> Other items or information: Cover Letter. Copy of Form PCT/DO/EO/905. Request for Extension of Time.			

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/674,526

INTERNATIONAL APPLICATION NO.

PCT/JP99/02681

ATTORNEY'S DOCKET NUMBER

P20257

18. The following fees are submitted:

Basic National Fee (37 CFR 1.492(a)(1)-(5)):

Search report has been prepared by the EPO or JPO. \$ 860.00

International preliminary examination fee paid to USPTO (37 CFR 1.482). \$ 690.00

No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)). \$ 710.00

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO. \$1,000.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4). \$ 100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

CALCULATIONS

PTO USE ONLY

\$ 0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than 20 X 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$130.00

Claims

Number Filed

Number Extra

RATE

Total Claims

22 - 20 =

22

X \$18.00

\$ 0.00

Independent Claims

4 - 3 =

4

X \$80.00

\$ 0.00

Multiple dependent claim(s) (if applicable)

+ \$270.00

\$ 0.00

TOTAL OF ABOVE CALCULATIONS =

\$130.00

   Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by  $\frac{1}{2}$ .

\$ 0.00

SUBTOTAL =

\$130.00

Processing fee of \$130.00 for furnishing the English translation later than 20    30 months from the earliest claimed priority date (37 CFR 1.492(f)).

+

\$ 0.00

Extension of Time fee in the amount of \$110.00

\$110.00

TOTAL NATIONAL FEE =

\$240.00

Fee for recording the enclosed assignment (37 CFR 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

+

\$ 0.00

02/15/2001 MNGUYEN 00000121 09674526

TOTAL FEES ENCLOSED =

\$240.00

01 FC:154

130.00 OP

Amount to be refunded

\$

Charged

\$

a. X A check in the amount of \$240.00 to cover the above fees is enclosed.b.    Please charge my Deposit Account No.    in the amount of \$    to cover the above fees.c. X The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0089.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.127(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO CUSTOMER NO. 7055

AT THE PRESENT ADDRESS OF:

Bruce H. Bernstein

GREENBLUM &amp; BERNSTEIN, P.L.C.

1941 Roland Clarke Place

Reston, VA 20191

(703) 716-1191

SIGNATURE

Arnold Turk

NAME

33,094

REGISTRATION NUMBER

P20257.P07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hiroshi SUSAKI et al.

Serial No : 09/674,526  
(National Stage of PCT/JP99/02681)

I.A. Filed : May 21, 1999

For : DRUG COMPLEX

**COVER LETTER**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

In order to comply with the requirements (copy enclosed) for the submission of an executed declaration of the International Application set forth in the Notification mailed December 14, 2000 which sets a one month period of response until January 14, 2001 and being extended by one month to February 14, 2000, Applicants hereby submit:

- Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371;

- an executed Declaration and Power of Attorney;

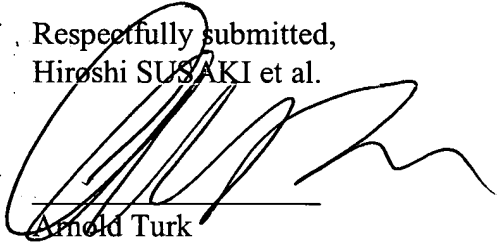
- a Request for Extension of Time; and

- a check in the amount of \$240.00 of which \$130.00 is payment of the surcharge for late filing of the Declaration, and \$110.00 is payment for the extension of time.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 19-0089.

Should the Examiner have any questions, he is invited to contact the undersigned at the below listed number.

Respectfully submitted,  
Hiroshi SUSAKI et al.



Arnold Turk  
Reg. No. 33,094

January 23, 2001  
GREENBLUM & BERNSTEIN, P.L.C.  
1941 Roland Clarke  
Reston, VA 20191  
(703) 716-1191



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/674526	SUSAKI	H P20257

GREENBLUM & BERNSTEIN  
1941 ROLAND CLARKE PLACE  
RESTON, VA 20191

INTERNATIONAL APPLICATION NO.	
PCT/JP99/02681	
I.A. FILING DATE	PRIORITY DATE
21 MAY 99	22 MAY 98
DATE MAILED: 14 DEC 2000	

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☒ a non-English language.  
☐ English.

☒ Translation of the international application into English.

☒ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☒ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 21 NOV 2000 and

☐ Information Disclosure Statement(s) filed and

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed:

☒ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Winston M Alvarado

Telephone: 703-305-6421

RECEIVED  
DEC 15 2000

GREENBLUM & BERNSTEIN, P.L.C.

BEST AVAILABLE COPY